

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DAVIS INTERNATIONAL, LLC, )  
HOLDEX LLS, FOSTON )  
MANAGEMENT, LTD, and OMNI )  
TRUSTHOUSE, LTD, )

Plaintiffs )

v. )

Civil Action No. 04-1482 GMS

NEW START GROUP CORPORATION, )  
VENITOM CORPORATION, PAN- )  
AMERICAN CORPORATION, MDM )  
BANK, URAL-GORNO METALURGICAL )  
COMPANY, EVRAZ HOLDING, )  
MIKHAIL CHERNOI, OLEG DERIPASKA, )  
ARNOLD KISLIN, MIKHAIL NEKRICH, )  
and ISKANDER MAKMUDOV, )

Defendants. )

**ORDER**

WHEREAS, on March 29, 2006, the court issued a Memorandum and Order (D.I. 103) in the above-captioned action, granting the defendants' motion to dismiss pursuant to the doctrine of direct estoppel and denying the defendants' motion to enjoin the plaintiffs from refileing the same claims in another court in the United States;

WHEREAS, the plaintiffs appealed the court's decision to grant the motion to dismiss and the defendants cross-appealed the court's determination regarding injunctive relief;

WHEREAS, on May 23, 2007, the Court of Appeals for the Third Circuit issued an opinion in the appeal and cross-appeal filed by the parties;<sup>1</sup>

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<sup>1</sup> See *Davis Intern., LLC. v. New Start Group Corp.*, — F.3d —, 2007 WL 1513952 (3d Cir. May 23, 2007).

WHEREAS, the opinion affirms this court's dismissal of the complaint on direct estoppel grounds and reverses the order denying the motion for anti-suit injunction;

WHEREAS, the opinion further concludes that this court has subject matter jurisdiction over the case and remands the case to this court to determine whether injunctive relief is appropriate; and

WHEREAS, the court concludes that it is necessary for the parties to brief the narrow issue of the merits of an anti-suit injunction;

IT IS HEREBY ORDERED that:

1. Within five (5) days of the date of this Order, the parties shall submit a schedule for briefing the merits of an anti-suit injunction for the court's approval.
2. The briefing schedule shall provide for one twenty (20) page opening brief to be filed by the defendants, one twenty (20) page answering brief to be filed by the plaintiffs, and one ten (10) page reply brief to be filed by the defendants.

Dated: May 30, 2007

/s/ Gregory M. Sleet  
UNITED STATES DISTRICT JUDGE